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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,900	12/20/2001	Debora Margaret Hejza Litwiller	D/A1689Q	2095
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		EXAMINER		
		SMITHERS, MATTHEW		
		ART UNIT		
		PAPER NUMBER		
		2137		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/022,900	HEJZA LITWILLER ET AL.	
	Examiner	Art Unit	
	Matthew B. Smithers	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Objections***

Claim 1 is objected to because of the following informalities: Claim 1, step g recites " repeating steps d through g until all locations in the set of detected locations have been flagged . . . locations;". It appears the repeating steps should be "d through f" and not "d through g". Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,750,755. Claims 1-3 of the instant application are anticipated by patent claims 1-2 in that claims 1-2 of

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the patent contains all the limitations of claims 1-3 of the instant application. Claims 1-3 of the instant application therefore are not patently distinct from the earlier patent claims and as such is unpatentable for obvious-type double patenting.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,709,303 granted to Best.

Regarding claim 1, Best meets the claimed limitations as follows:

"A method of determining specific identifiers fixed onto a pin array of a base component affixed to a primary device wherein each of said identifiers has a plurality of holes therethrough with said base component's pins passing through each of their respective holes aligned therewith such that said identifier can be pressed onto said pin array, a pin detector associated with at least one hole in said identifier for the detection of said aligned pin passing therethrough with each configuration of holes having pin detectors associated therewith being unique to each identifier along any single pin's vertical axis and said identifier being in communication with said primary device, and comprising the steps of:

a) defining for each of said pins in said pin array a format such that each pin has a unique location within said array of pins;

b) polling each pin in the array to determine which of said pin locations are detected by said pin detectors;

c) assembling said detected locations in a set containing individual pin locations in the defined format;

d) obtaining a first location from the set of detected locations and retrieving from a database a list of known identifiers having one location matching said first detected location;

e) comparing the remaining locations of each of said retrieved identifiers with those non-flagged locations in the set of detected location in order to find a single identifier whose stored locations comprise a proper subset of the set of detected locations and retaining information about said retrieved matching identifier;

f) flagging those location in said set of detected locations matching said proper subset of stored locations associated with said retrieved matching identifier as having been accounted for;

g) repeating steps d through g until all locations in the set of detected locations have been flagged as having been accounted for or alternatively no more identifier locations in said database of stored identifier locations comprise a proper subset of those non-flagged locations remaining in the set of detected locations; and

h) in the event wherein no more identifier locations in said database of stored identifier locations comprise a proper subset of those non-flagged locations remaining in

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the set of detected locations, initiating a predefined procedure which serves to indicate that an error condition has occurred." see column 4, lines 11-43; column 8, lines 9-14; column 10, lines 48-67; column 11, line 46 to column 12, line 44; column 19, line 43 to column 20, line 32; Figures 2, 4, 10, 16 and 17.

Regarding claim 3, Best meets the claimed limitations as follows:

"A method as defined in claim 1 wherein said predefined format comprises (x,y) locations corresponding to the location of each pin in the array of pins." see column 4, lines 11-43; column 8, lines 9-14; column 10, lines 48-67; column 11, line 46 to column 12, line 44; column 19, line 43 to column 20, line 32; Figures 2, 4, 10, 16 and 17.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Robertson et al (US 4,808,018) discloses an apparatus for forming multi-character messages employing an array of marker pins.

B. Cyphert et al (US 5,167,457) discloses an apparatus for marking character strings.

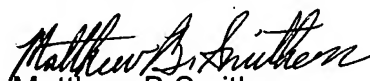
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Matthew B Smithers
Primary Examiner
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